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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2215)

UCL1612 - CONSTITUTIONAL LAW I

(All Sections / Groups)

20 FEBRUARY 2023

Reading Time : 9:00am – 9:15am
(15 Minutes)

Answering Time: 9:15am – 12:15pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Answer **ONE COMPULSORY** question in **PART A** and **THREE** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are only allowed to bring in **CLEAN AND ORIGINAL COPY** of the following statutes into the exam venue :
 - i. Federal Constitution“Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

PART A: COMPULSORY QUESTION**QUESTION 1**

Goku, a veteran politician, serves as Deputy Prime Minister in Prime Minister Luffy's Cabinet. Notwithstanding his good image, there is a recent revelation that Goku is deeply involved in a corruption scandal, and due to this, he is being charged in court. Regardless, Goku feels the trial is an excellent opportunity to restore his tarnished good name, and he assures the Prime Minister he is innocent.

However, the scandal involves Goku agitating some Cabinet members, particularly Zorro, the Minister of Health. During a cabinet meeting, he even criticise the Prime Minister for keeping Goku in his Cabinet, as he is a liability to the current government's image due to his bad reputation. In return, Luffy accuse Zorro of jealousy and has been aspiring for Goku's position as the Deputy Prime Minister for a long time.

Unfortunately for Goku, the High Court reached a verdict that renders him guilty as charged. Despite this development, Luffy is still determined to keep Goku as a member of his Cabinet as his appeal means is yet to exhaust. Luffy's decision has further enraged Zorro. For Zorro, as Goku has already been found guilty of a crime, he should lose his position as the Deputy Prime Minister and a Parliament Member. In this regard, he openly voiced his discontent during a parliamentary session, where he was also accusing the Prime Minister involved in the corruption scandal. Zorro has also re-issued his statement in his social media accounts, believing he is immune to any possible legal action as he is protected under parliamentary privilege.

Zorro's action during the parliamentary session was his last straw. Due to this, he was removed from the Cabinet by Luffy the next day. Reacting to this, Zorro seeks a royal audience with the Yang Dipertuan Agong (YDPA) to remove Luffy as the Prime Minister because Luffy has abused his powers, as he firmly believes that only YDPA can remove him as a Cabinet Minister.

Advise all parties by applying relevant laws to all possible issues involved.

(Total: 25 marks)

Continued...

PART B: ANSWER ANY THREE OUT OF THE FOLLOWING FOUR QUESTIONS.**QUESTION 2**

Constitutionalism and the Rule of Law are ideas on how the powers of the executive are to be constrained. Nevertheless, the two ideas are usually equated to one another despite both being different ideas altogether.

Based on the statement above, explain the concept of Constitutionalism and Rule of Law, and whether both ideas are upheld in Malaysia today.

(Total: 25 marks)

QUESTION 3

“Judges are by no means immune to public criticism and accountability to those they serve. We are all subject to scrutiny. That is why we write judgments so that they can be read, analysed, discussed and debated. In fact, the whole system of appeal is based on judges’ awareness of their own fallibility. Hence, citizens including politicians are, to a certain extent, free to criticise the judiciary. However, that does not mean that it is open to citizens including politicians to level unfounded and scurrilous attacks against the judiciary or a particular judge to further their own end. It is important to emphasise that the judiciary is the last line of defence in a constitutional democracy and there must never be a suspicion that the judiciary is captured.”

(Speech by YAA Tun-Tengku Maimun Tuan Mat, Chief Justice of Malaysia at the taking of oath of Office and Loyalty Ceremony of High Court Judges, 27 April 2022).

Based on the statement above, discuss in detail how the Federal Constitution safeguards the independence of the judiciary in Malaysia.

(Total: 25 marks)

QUESTION 4

Critically explain the factors that influenced the development of the Federal Constitution, and its distinctive features.

(Total: 25 marks)

QUESTION 5

The choice of an Electoral System is among the most crucial institutional decisions for any democracy. The preference for a particular electoral system significantly impacts the future political life of the country concerned, and electoral systems, once selected, often remain constant as political interests solidify around and respond to the incentives presented by them.

Continued...

Based on the statement above, discuss the first-past-the-post (FPTP) electoral system, and asses whether reforms are necessary to the current practice of the electoral system in Malaysia? Give reasons in your answers.

(Total: 25 marks)

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